

Appl. No. 10/760,603
Examiner: PORTIS, SHANTELL L, Art Unit 2617
In response to the Office Action dated April 5, 2006

Date: July 4, 2006
Attorney Docket No. 10113691

REMARKS

Responsive to the Office Action mailed on April 5, 2006 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Zurek et al (US 4,912,602, hereinafter "Zurek"). Claims 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nixon (US 6,111,760). Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zurek and Nixon in view of Chen et al (US 6,975,880, hereinafter "Chen").

In this paper, claims 1 and 11 are amended as described in further detail below. Support for the amendments can be found in Figs. 3a and 3b and the corresponding description in the specification. Claims 2 and 14 are canceled. Claims 3 and 15 are amended to depend from claims 1 and 11, respectively. Thus, on entry of this amendment, claims 1-2, 4-13 and 15-18 remain in the application.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

Rejections Under 35 U.S.C. 102(b)

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Zurek. Claims 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nixon. To the extent that the grounds of the rejections may be applied to the claims now pending in this application, they are respectfully traversed.

The rejection of claims 3 is insufficient, insofar as it does not comply with the requirements of MPEP 707.07 et seq., which requires that all rejections be stated with completeness and clarity.

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MPEP 707.07(d) requires that the grounds of a rejection be "fully and clearly stated." The office action fails to meet this requirement in the present application in connection with claim 3.

Claim 3 recites that a guide rail formed on the body of the mobile phone includes a protrusion corresponding to a concave portion formed on the engaging member.

In the office action, the Examiner identifies guide rail protrusion 312 of Zurek both as the projecting portion of the battery pack (see the rejection of claim 1 on page 2 of the office action) and the protrusion of the guide rail on the body (see the rejection of claim 3 on page 3 of the office action).

Applicant submits that a single element of Zurek, namely the guide rail protrusion 312 which is integrally formed with battery 105, cannot simultaneously teach both 1) the projecting portion of the battery pack and 2) the protrusion of the guide rail on the body.

Applicant therefore submits that the rejection of claim 3 should be withdrawn. Should an ensuing office action be mailed which provides new grounds for the rejection of claims 3, such an ensuing office action should be made non-final. MPEP 706.07(a).

Zurek does not teach or suggest a projection portion of a battery pack pushes an engaging element along a guide rail of a body, as recited in claim 1.

To anticipate a claim, a reference must teach every element of the claim. In this regard, the Federal Circuit has held:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

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"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

As amended, claim 1 recites a mobile phone comprising a body, a front housing, a rear cover, a battery cover and a battery pack. The body comprises an engaging member and a guide rail. The front housing is detachably disposed on the body via the engaging member. The rear cover is detachably disposed on the body via the engaging member. The battery cover is detachably disposed on the body, wherein the body is housed by the front housing, the rear cover, and the battery cover. The battery pack disposed on the body includes a projecting portion, wherein the projecting portion pushes the engaging element to move along the guide rail.

In the office action, the Examiner identifies guide rail protrusion 312 of Zurek as the alleged projecting portion of the claims, cantilever beam spring catches 213-218 as the alleged engaging member of the claims, and guide rails 203-210 as the alleged guide rail of the claims. See pages 2-3 of the office action.

In Zurek, guide rails 203-210 are battery retaining rails formed on housing 303. See col. 2, lines 29-37 and col. 3, lines 7-18 of Zurek. Namely, during insertion or removal of the battery, the battery 105 is slid along guide rails 203-210. When the phone is assembled, guide rail protrusions 312 interlock with cantilever beam spring catches 213-218. See col. 2, lines 52-62 and Fig. 3 of Zurek.

As noted above, claim 1 recites a projection portion of the battery ***pushes the engaging element along a guide rail of the body***. To the contrary, the guide rail protrusions 312 of Zurek never push cantilever beam spring catches 213-218 to move along guide rails 203-210. Instead, both the cantilever beam spring catches 213-218 and the guide rails 203-210 ***are fixed relative to each other*** on the body. See Figs. 2B and C and the corresponding description thereof in Zurek.

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For at least the reasons described above, it is Applicant's belief that Zurek fails to teach or suggest all the limitations of claim 1. Applicant therefore respectfully requests that the rejection of claim 1 be withdrawn and the claim passed to issue. Insofar as claims 3-10 depend from claim 1 either directly or indirectly, and therefore incorporate all of the limitations of claim 1, it is Applicant's belief that these claims are also in condition for allowance.

Nixon does not teach or suggest a guide rail and an abutting member to push the engaging element to move along the guide rail for positioning an engaging member, as recited in claim 11.

As amended, claim 11 recites an assembly for assembling a mobile phone, wherein the mobile phone includes a body, a front housing, a rear cover. The assembly comprises an engaging member disposed on the body in a manner such that the engaging member moves between a first position and a second position; a first hook, corresponding to the engaging member, disposed on the front housing; a second hook, corresponding to the engaging member, disposed on the rear cover; a guide rail; and an abutting member to push the engaging element to move along the guide rail for positioning the engaging member. The engaging member is engaged with the first hook and the second hook so that the front housing and the rear cover are combined with the body when the engaging member is located at the first position, and the engaging member is disengaged from the first hook and the second hook so that the front housing and the rear cover are separated from the body when the engaging member is located at the second position.

In the office, the Examiner identifies snap tooth 32 of Nixon as the alleged abutting member of the claims and extending fingers 30 as the alleged engaging portion of the claims.

In Nixon, extending fingers 30 extend from the underside of housing 20. Each extending finger 30 is provided with an integrally formed snap tooth 32. See col. 3, lines 5-20 and Fig. 1 of Nixon.

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As noted above, amended claim 11 recites a guide rail and ***an abutting member to push the engaging element to move along the guide rail*** for positioning the engaging member. To the contrary, the snap tooth 32 of Nixon never pushes the extending finger 30 to move along a guide rail. Instead, both the snap tooth 32 and the extending finger 30 ***are fixed relative to each other*** on the body. See Figs. 2B and C and the corresponding description thereof in Nixon.

For at least the reasons described above, it is Applicant's belief that Zurek fails to teach or suggest all the limitations of claim 11. Applicant therefore respectfully requests that the rejection of claim 1 be withdrawn and the claim passed to issue. Insofar as claims 12-13 and 15-18 depend from claim 11 either directly or indirectly, and therefore incorporate all of the limitations of claim 11, it is Applicant's belief that these claims are also in condition for allowance.

Rejections Under 35 U.S.C. 103(a)

Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zurek and Nixon in view of Chen. As noted above, it is Applicant's belief that claims 10 and 18 are allowable by virtue of their dependency from claim 1 and 11, respectively. For this reason, the Examiner's arguments in connection with these claims are considered moot and will not be addressed here.

Foreign Priority Claim

Acknowledgment of receipt of the certified copies of the priority document(s) is respectfully requested.

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so.

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Respectfully submitted,



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